

ORDINANCE NO. 3776

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 19, OFFENSES—MISCELLANEOUS, BY AMENDING SECTION 19-14, OPERATION OF VEHICLES ON PRIVATE PROPERTY, AND ADDING SECTION 19-14.1, OPERATION OF VEHICLES ON PROPERTY—PENALTIES, FOR THE PURPOSE OF MINIMIZING DUST FROM PROPERTY SUBJECT TO ILLEGAL VEHICLE USE, IN COMPLIANCE WITH STATE LAW.

WHEREAS, the Council of the City of Scottsdale wishes to amend Chapter 19, Offenses--Miscellaneous, to comply with newly revised state law addressing dust control by amending certain provisions regarding operating vehicles on property; and adding specialized penalty provisions regarding operating vehicles on property; and

WHEREAS, the City Council held a hearing on March 18, 2008 and considered the amendments;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Arizona, that Chapter 19, Offenses—Miscellaneous, be amended as follows:

Section 1. Section 19-14, Operation of vehicles on private property, is amended to read as follows:

Sec. 19-14. Operation of vehicles on private property.

(a) It is unlawful for any person to operate or drive or leave any motor vehicle, motorcycle, mini-bike, trailbike, dune buggy, motor scooter, jeep or other form of transportation **OR RECREATIONAL VEHICLE** propelled by an internal combustion engine, upon ~~the private property of another or public property which is not held open to the public for vehicle use, without the written permission of the owner thereof or the person entitled to immediate possession thereof, or the authorized agent of either.~~

~~(b) Whenever any person is stopped by a police officer of the city for violation of subsection (a) of this section, he shall, upon the request of the police officer, display written permission.~~ **A VACANT LOT OR OTHER LAND, THAT IS NOT A DUST FREE SURFACE, AND THAT IS CLOSED BY (1) THE LANDOWNER, (2) A FEDERAL, STATE, COUNTY OR CITY RULE OR REGULATION OR (3) PROPER POSTING NOTICING CLOSURE. EVEN IF WRITTEN PERMISSION IS GRANTED BY THE LANDOWNER, ALL USE BY A MOTOR VEHICLE, MOTORCYCLE, MINI-BIKE, TRAILBIKE, DUNE BUGGY, MOTOR SCOOTER, JEEP OR OTHER FORM OF TRANSPORTATION OR RECREATIONAL VEHICLE PROPELLED BY AN INTERNAL COMBUSTION ENGINE SHALL BE ON A DUST FREE SURFACE.**

(B) SUBSECTION (A) ABOVE DOES NOT APPLY TO THE OPERATION OF VEHICLES USED IN THE NORMAL COURSE OF BUSINESS OR THE NORMAL COURSE OF GOVERNMENT OPERATIONS.

(C) SUBSECTION (A) ABOVE DOES NOT APPLY TO THE OPERATION OF UTILITY VEHICLES FOR OPERATION, DISTRIBUTION AND TRANSMISSION SYSTEMS IF OPERATIONS ARE PERFORMED:

(1) USING A MARKED UTILITY VEHICLE, OR

(2) USING A PERSONAL VEHICLE WITH UTILITY IDENTIFICATION CLEARLY VISIBLE ON OR IN THE VEHICLE.

(D) IN THIS SECTION:

DUST FREE SURFACE MEANS AN AREA COMPLETELY COVERED BY (1) CONCRETE, ASPHALT, CEMENT OR SEALED AGGREGATE PAVEMENT; (2) THREE (3) INCHES DEEP CRUSHED ROCK COMPLETELY CONTAINED IN A PERMANENT BORDER; OR (3) ANOTHER STABILIZATION MATERIAL APPROVED BY THE CITY. DUST FREE SURFACE DOES NOT INCLUDE AREAS OF GRASS, LAWN, COMPACTED DIRT OR HARD-PACKED DIRT.

VACANT LOT MEANS LAND THAT HAS BEEN OR HAS NOT BEEN DISTURBED AND/OR WAS PREVIOUSLY DEVELOPED, AND MAY CONTAIN STRUCTURES BUT DOES NOT CONTAIN BUILDINGS.

(E) THE CITY MANAGER OR DESIGNEE AND CERTIFIED POLICE OFFICERS SHALL ENFORCE THIS SECTION.

Section 2. Section 19-14.1, Operation of vehicles on private property--penalties, is added to read as follows:

SEC. 19-14.1. OPERATION OF VEHICLES ON PROPERTY—PENALTIES.

(A) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION 19-14(A) SHALL BE GUILTY OF A CLASS 3 MISDEMEANOR.

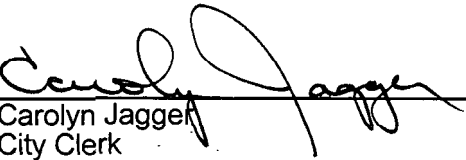
(B) IN ADDITION TO OR IN LIEU OF A FINE PURSUANT TO THIS SECTION, A JUDGE MAY ORDER THE PERSON TO PERFORM AT LEAST EIGHT (8) BUT NOT MORE THAN TWENTY-FOUR (24) HOURS OF COMMUNITY RESTITUTION OR TO COMPLETE AN


**APPROVED SAFETY COURSE RELATED TO THE OFF-HIGHWAY OPERATION OF
MOTOR VEHICLES, OR BOTH.**

PASSED AND ADOPTED by the Council of the City of Scottsdale, Arizona, this 18th day
of March, 2008.


ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: 
Carolyn Jagger
City Clerk

By: 
Mary Manross
Mayor

APPROVED AS TO FORM:

By: 
Deborah W. Robberson
City Attorney